

<b>17.80.100</b>	<b>General Provisions</b>	<b>17.80.500</b>	<b>Minor Subdivision Final Plat Procedures</b>
<b>17.80.200</b>	<b>Pre-Application Conference</b>	<b>17.80.600</b>	<b>Improvement Agreements</b>
<b>17.80.300</b>	<b>Major Subdivision Preliminary Plat Requirements</b>	<b>17.80.700</b>	<b>Approval, Recording and Appeal</b>
<b>17.80.400</b>	<b>Major Subdivision Final Plat Process</b>	<b>17.80.800</b>	<b>Site Design Standards</b>

**17.80.100 General Provisions**

**17.80.101 Title:** This chapter shall be known and may be cited and referred to as the Subdivision Regulations for the City of Burlington, Iowa, and will be referred to herein as the “Regulations” to the same effect as if the full title were stated.

**17.80.102 Purpose:** In order to maintain the public interest, these Regulations establish provisions, requirements, and procedures to:

1. To provide for accurate, clear and concise legal descriptions of real estate in order to prevent, wherever possible, land boundary disputes or real estate title problems;
2. To provide for a balance between the use rights of individual landowners and the economic, social, and environmental concerns of the public when the City is developing or enforcing its land use regulation; and social, and environmental concerns of the public when the City is developing or enforcing its land use regulations; and
3. To encourage orderly development of the City and provide for the regulation and control of the extension of public improvements, public services, and utilities, the improvement of land, and the design of subdivisions, that are consistent with the City’s Comprehensive Plan and other specific community plans.

**17.80.103 Application:** Any proprietor of land who wishes to create a land parcel shall cause a plat to be made in conformance with the provisions of these Regulations, as they are the minimum requirements for the promotion of the public health, safety, and general welfare. If any other statute, local ordinance or regulation imposes higher standards than are required by the Regulations, that statute, local ordinance or regulation shall govern.

**17.80.104 Authority Area:** These Regulations govern the review and approval of any plat for subdivision of any area of land within the City or within two (2) miles of the City boundaries of Des Moines County, except the City waives its right to review subdivisions in the overlapping area identified by an active agreement with West Burlington as provided for in Chapter 354 of the Code of Iowa.

These Regulations apply where any or all of the following circumstances exist or occur:

1. Any area of land which has been divided or shall hereafter be divided into two or more parts;
2. Any area of land that is described by metes and bounds, or an area of land that is not a complete platted lot.

**17.80.105 Modifications:** Whereas, in the case of a particular subdivision, it can be shown that strict compliance with the requirements of the Regulations would result in extraordinary hardship to the Applicant or would prove inconsistent with the purpose of the Regulations because of unusual topography or other conditions, the City Council may modify by variance or waive the requirements

of the Regulations so that substantial justice may be done and the public interest secured provided, however, that such modification or waiver shall not have the effect of nullifying the intent and purpose of the Regulations.

In so granting a modification or waiver, the City Council may impose such additional conditions as are necessary to secure substantially, the objectives of the requirements so modified or waived.

**17.80.106 Fees:** The City Council shall from time to time establish by resolution, a schedule of reasonable fees, sufficient to recover incurred costs, to be charged for the review of plats and associated improvements under these Regulations.

All fees for review of plats shall be paid in full prior to City Council acceptance of the final plat.

**17.80.107 Penalties:** Any person who violates, omits, neglects, refuses to comply with or resists the enforcement of any of the provisions of the Regulations, shall be fined for each offense as provided for in Chapter 4 of the Municipal Ordinance; and each additional day that a violation exists shall constitute a separate offense.

In addition to any penalties that may be issued, the City also maintains the right of injunction on all purported violations.

**17.80.108 Applicability and Severability:** See Section 17.01.03 of this Zoning Code

**17.80.109 Relationship:** In addition to the requirements of the Regulations, all plats of land must comply with all other applicable City, county, state and federal statutes or regulations. All references in the Regulations to other City, county, state or federal statutes or regulations are for informational purposes only, and do not constitute a complete list of such statutes or regulations. The Regulations are expressly designed to supplement and be compatible with, without limitation, the following City plans, regulations or ordinances:

1. Comprehensive and Land Use Policy Plan
2. Zoning Ordinance
3. Historic Preservation Ordinance
4. Flood Plain Ordinance
5. Building and Related Construction Codes
6. Rental Housing Code
7. Transportation Plan
8. Parks Master Plan
9. Design and Improvement Standards Policy

Plats may be disapproved on the basis of the above plans and specifications. The City Council may adopt or amend additional plans and policies not listed above, however, carrying the same effect.

**17.80.110 Recording of Plat:** No subdivision plat or street dedication within the City or within the two (2) miles of the corporate limits of the City shall be filed for record with the County Recorder, or filed by the Recorder, until a final plat and/or Improvement Agreement has been approved in accordance with this Chapter.

**17.80.111 Definitions:** Unless otherwise expressly stated, the following terms shall, for the purposes of the Regulations, have the meaning herein indicated.

1. Adequate Public Facilities - Facilities determined by the City Council to be capable of supporting and servicing specified levels of service for anticipated infrastructure needs in the physical area and with the designated intensity of a proposed subdivision.
2. Alley - A public way designed to be used as a secondary means of access to the side or rear of abutting property whose principal frontage is on some other public way.
3. Applicant - The owner of land proposed for subdivision or the developer thereof who has written authority to act on behalf of the owner.
4. Auditor's plat – A subdivision plat required by either the auditor or the assessor, prepared by a surveyor under the direction of the auditor.
5. Bikeway - A public way designed to be used for bicycling, or a combination of biking and pedestrian traffic. "Bikeway" shall include: any path, which is a public way separated from any highway, street or alley and/or, is a portion of a highway, street, alley or other public way reserved and marked for the exclusive use for bicycles and/or pedestrian traffic.
6. Block - An area of land bounded by streets, highways, and/or by a combination of streets and public parks, cemeteries, railroad rights-of-way, exterior boundaries of the subdivisions, shorelines of waterways, or corporate boundaries.
7. Bond - Any form of security including a letter of credit, a cash deposit, surety bond, collateral, property or instrument of credit in an amount and form satisfactory to the City Council.
8. Building – See Section 17.10.05, #21
9. Building Official/Zoning Enforcement Officer - The individual(s) appointed by the Development Director who is responsible for the administration and enforcements of the Zoning, Subdivision or Building Regulations of the City.
10. Central Water System - A private water system including collection and treatment and distribution facilities, established to serve a new subdivision or re-subdivision that is located outside the corporate boundaries serving the number of people as specified by the Department of Natural Resources or other appropriate State Agency.
11. Central Sewerage System - A private sewer system including collection and treatment facilities established to serve a new subdivision or re-subdivision that is located outside the corporate boundaries serving the number of people as specified by the Department of Natural Resources or other appropriate State Agency.
12. Central Storm Water Runoff System - A private storm water runoff system including collection and treatment and distribution facilities, established to serve a new subdivision or re-subdivision that is located outside the corporate boundaries serving the number of people as specified by the Department of Natural Resources or other appropriate State Agency.
13. City - The City of Burlington, Iowa.
14. County – Des Moines County, Iowa.
15. Dedication - A grant to the City of title to land, without compensation.
16. Design and Improvement Standards – Standards set forth in City Policy, adopted by the City Council for the City of Burlington
17. Driveway Approach - A vehicle access from private property to a public street or alley.
18. Easement - The perpetual right to use the land of another for a specified purpose.
19. Highway - A public way designated as a highway by an appropriate, state or federal agency.

20. Improvement Agreement - A written agreement signed by an Applicant and authorized agents of the City whereby the Applicant agrees to undertake performance of those obligations imposed by the Regulations, or agrees to be contained in the agreement and as authorized by the City, and containing such other terms and provisions in such form as shall be acceptable to the City. Specifically, an Improvement Agreement is to be entered into after approval of the Preliminary Plat in the event that improvements set forth therein will not be completed before submission of the Final Plat.
21. Land Use Policy Plan - The comprehensive plan for the City of Burlington, Iowa, as adopted and as subsequently amended.
22. Lot - An area of land designated by number or letter in a plat of subdivisions recorded pursuant to the Regulations, or otherwise recorded with the office of the County Recorder.
23. Major Subdivision - Any subdivision that is not classified as a Minor Subdivision.
24. Minor Subdivision - Any subdivision that plats no more than three lots fronting on an existing public way and does not require construction or extension of any public ways, utilities or other improvements, as set forth in these Regulations.
25. Outlot - An unbuildable area of land, due to its, size, shape, topography or general location within the phasing of a subdivision.
26. Plat of Survey - The graphical representation of a survey of one or more parcels of land, including a complete and accurate description of each parcel within the plat, prepared by a registered land surveyor.
27. Preliminary Plat - A plat for a proposed major subdivision prepared and submitted in accordance with these Regulations.
28. Right-of-way - A strip of land acquired by reservation, dedication, prescription, or condemnation and used or intended to be used by specific persons or the public for a specific purpose or purposes. "Right-of-Way" shall include, but not be limited to, any public ways.
29. Sidewalk - A public way designed and used for walking and located in public right-of-way or public easements.
30. Sketch Plan - A plan of land, preparatory to the plat, showing the location of a proposed division of land, including the general location and dimensions of any proposed streets and other improvements and the general layout and arrangement of intended land uses, in relation to the surrounding area.
31. Street - A public way designed and used for passage of vehicles. "Street" shall not include any alleys or highways.
32. Street Classification - All streets shall be classified as one or more of the following, in accordance with the adopted street classification map:
  - a. Principal Arterial: A street intended for the movement of traffic to and from major traffic generators such as the Downtown or Highway Commercial areas, major industrial areas, and/or as a route for traffic between communities and that accommodates a high degree of mobility with a high degree of access control.
  - b. Minor Arterials: Streets intended to collect and distribute traffic in a manner that is designed to serve low intensity traffic generating areas such as neighborhood commercial areas, education facilities, churches or designed to carry traffic from collector streets to principal arterials with a degree of access control.
  - c. Urban Collector: A street intended to move traffic from local streets to arterial streets. These streets provide for movement at moderate speeds and provide a direct route between activity centers with a lesser degree of access control than arterial streets.

- d. Local: A street designed for low speeds and low intensity traffic volumes intended to provide access to private property, and also to move traffic to and from low generating areas to collector and arterial streets.
  - e. Cul-de-Sac: A residential street closed at on end with a turn-around.
  - f. Dead-end: A street with only one vehicular traffic outlet.
  - g. Frontage Road: A street that parallels and is adjacent to an arterial street separated from the through traffic on the arterial street.
33. Structure – See Section 17.10.05, #115
34. Subdivision – The division of land into two (2) or more parts, for the purpose, whether immediate or future, of transfer of ownership or building development. The term, when appropriate to the context, may refer to the process of subdividing or to land subdivided.

The sale of or exchange of small parcels of land to or between the owners of adjacent platted lands, where such sale or exchange does not create any additional lots and where the land sold or exchanged constitutes no greater than fifty percent (50%) of the area of the original lot (lot receiving the additional land) is not considered a subdivision and shall require a Plat of Survey or an Auditor's Plat to be recorded with the County Auditor.

## 17.80.200 Pre-Application Conference

**17.80.201 Purpose:** The purpose of the Pre-Application Conference is to inform City staff of a possible future subdivision; to facilitate City staff review of the effect and feasibility of a proposed subdivision in relation to the City's existing and proposed infrastructure systems; and to inform the Applicant of the requirements of the Regulations.

**17.80.202 Procedure:** The Applicant shall request a Pre-Application Conference with appropriate City staff, and shall submit three copies of a Sketch Plan for the area of land proposed to be subdivided ten days prior to the Pre-Application Conference.

**17.80.203 Sketch Plan Contents:** A Sketch Plan shall contain the following information at a minimum:

1. The name of the proposed subdivision;
2. The name, address and other pertinent information about the property owner, the Applicant, or other preparer of the Sketch Plan;
3. A north arrow and the preparation or submission date;
4. The general location, areas and dimensions of any lots to be platted by the proposed subdivision;
5. The general location, width and dimensions of any highways, streets, alleys, and other ways existing or proposed to be reserved or dedicated for public use on or abutting the area of land proposed to be subdivided;
6. The general location of any existing or proposed public infrastructure including water mains, sanitary sewer mains, storm sewer mains, and facilities and other infrastructure; and
7. The location, width and character of all existing or proposed utility easements on or abutting the area of land proposed to be subdivided.

**17.80.204 Considerations:** The appropriate City staff shall review and comment upon the Sketch Plan, taking into consideration the requirements of the Regulations and the best use of the tract or parcel proposed to be subdivided and giving particular attention to the following:

1. The locations and layout of any proposed streets or other public ways;
2. The arrangement and size of any lots to be platted by the proposed subdivision;
3. The layout of any proposed public infrastructure;
4. The pattern of surface water drainage on the area of land proposed to be subdivided;
5. The potential for any additional development of abutting lots, or areas of land.

**17.80.205 Disclaimer:** Neither the developer nor the City shall be bound by any comments, recommendations, determinations or decisions of City staff offered or made during the Pre-Application Conference.

**17.80.206 Classification of Subdivisions:** The Development Department shall issue an oral or written determination as to the classification of a proposed subdivision within 20 days of the conclusion of the Pre-Application Conference process. All subdivisions will be classified as either a Major Subdivision or a Minor Subdivision.

1. A subdivision may be classified as a Minor Subdivision only if both of the following conditions are met:

- a. The proposed subdivision will plat no more than three (buildable) lots, which will be legally platted after recording of the subdivision and each of which will front on an existing public way, not including alleys; and
  - b. The proposed subdivision will require no public improvements of any kind, except sidewalks and/or bicycle paths in compliance with the Parks Master Plan.
2. Any subdivision not meeting both conditions for classification as a Minor Subdivision shall be classified as a Major Subdivision.
3. The determination of the Development Department as to the classification of a proposed subdivision shall be presumed to be correct.

### **17.80.300 Major Subdivision Preliminary Plat Requirements.**

**17.80.301 Preliminary Plat Procedure:** The Applicant shall file a complete Application for Preliminary Plat Approval of a Major Subdivision with the Development Department at least 30 days prior to a regular meeting of the Planning and Zoning Commission.

**17.80.302 Application:** An Application for Preliminary Plan Approval of a Major Subdivision shall include:

1. A completed Application Form available from the Development Department;
2. Six (6) paper copies not larger than 11" x 17" and four (4) paper copies no larger than 24" x 36" of the Preliminary Plat prepared in accordance with these Regulations;
3. Any filing fee established by the City Council.

An application for Preliminary Plat Approval of a Major Subdivision shall be deemed "complete" for the purpose of time periods within which action is required when so certified by the Development Department.

**17.80.303 Review Process for a Major Subdivision Preliminary Plat:** Staff and Agency Review of the Preliminary Plat; Concurrent Review by County when necessary:

1. The Development Department shall distribute a copy of the Preliminary Plat to other departments, persons, and utility companies as it determines may be necessary or appropriate for their review, comments and recommendations.
2. The Development Department shall assemble, review, and report on any comments or recommendations submitted to it for consideration by the Planning and Zoning Commission.
3. In addition, where the proposed subdivision occurs within the two-mile radius of the City in which Des Moines County subdivision regulations will also apply, the Applicant shall be required to demonstrate compliance with all applicable requirements set forth in such county regulations prior to approval of the Preliminary Plat by the City Council pursuant to Section 354.9 of the Code of Iowa.

**17.80.304 Planning and Zoning Commission Review:**

1. The Planning and Zoning Commission shall examine the Preliminary Plat, any comments, recommendations or reports assembled or made by the Development Department, and such other information as it deems necessary or desirable to consider.
2. Based upon such examination, the Planning and Zoning Commission shall ascertain whether the Preliminary Plat conforms to relevant and applicable design and improvement standards in these Regulations, to other City ordinances and standards, to the City's Land Use Policy Plan, and to the City's other duly adopted plans.
3. Planning and Zoning Commission Recommendation: Following such examination and within 30 days of the regular meeting of the Planning and Zoning Commission at which a complete Application is first formally received for consideration, the Planning and Zoning Commission shall forward a report including its recommendation to the City Council setting forth its reasons for any recommendation.

**17.80.305 City Council Review of Preliminary Plat:** All proposed subdivision plats shall be submitted to the City Council for review and approval in accordance with these Regulations. The City Council shall examine the Preliminary Plat, any comments, recommendations or reports examined or made by the Planning and Zoning Commission, and such other information as it deems necessary and reasonable to consider.

**17.80.306 City Council Action on Preliminary Plat:**

1. Based upon such examination, the City Council shall determine whether the Preliminary Plat conforms to relevant and applicable design and improvement standards in these Regulations, to other City ordinances and standards, to the City's Land Use Policy Plan and to the City's other duly adopted plans. In particular, the City Council shall determine whether the subdivision conforms to minimum levels of service standards set forth in the Land Use Policy Plan for public infrastructure and shall give due consideration to the possible burden of the proposed subdivision on public improvements.
2. Following such examination and within 30 days of the referral of the Preliminary Plat and report of recommendations to the City Council by the Planning and Zoning Commission, the City Council shall by resolution approve, approve subject to conditions, or disapprove the Preliminary Plat.

**17.80.307 Effect of Approved Preliminary Plat:**

1. An approved Preliminary Plat shall be valid for one year from the date on which the City Council approves the Preliminary Plat, by which time the Applicant shall submit an Application for Final Plat Approval or the Preliminary Plat shall become null and void. The City Council may grant an extension of time for the validity of the Preliminary Plat for a period not to exceed one additional year, however, if the approval period expires at any time, the applicant must resubmit the preliminary plat.
2. The City Council may require the Applicant to execute an Improvement Agreement as set forth in these Regulations and provide security in the form of a bond or acceptable alternative between the approval of the Preliminary Plat and submission of an Application for Final Plat Approval of a Major Subdivision. The Applicant must either complete all indicated improvements to the satisfaction of the City or enter into an Improvement Agreement to do so.

**17.80.308 Major Subdivision Preliminary Plat Design Standards:** A Preliminary Plat shall be prepared by a registered land surveyor at a scale of one inch equals 100 feet, unless an alternate scale is approved by the Development Director and the sheets shall be numbered in sequence if more than one sheet is used. Sheets shall be of such size as is acceptable for filing in the office of the City Clerk but shall be not greater than 24 inches by 36 inches and no less than 8 ½ inches by 11 inches.

**17.80.309 Major Subdivision Preliminary Plat Features:** In addition to all information provided with the Sketch Plan, the Preliminary Plat shall show the following information:

1. A statement by a registered land surveyor that the Preliminary Plat was prepared by or under his or her supervision, the surveyor's signature, Iowa registration number or seal, and certification of accuracy. As an alternative, a Preliminary Plat may be prepared where a registered land surveyor certifies that the perimeter boundary of the subdivision was prepared under his or her supervision, and all other intermediate lot lines may be prepared by an engineer licensed in the State of Iowa;
2. The number of each sheet, the total number of sheets included in the plat, and match lines indicating where each sheet adjoins any other sheet, and an index sheet showing the relationship between the sheets;
3. Survey data describing the lengths, bearing and curve data of any existing or proposed lot, block, public or private way, railroad or utility right-of-way, deed restriction, covenant, easement, dedication or other area within the tract or area of land proposed to be subdivided, and the outer boundaries to the tract or area of land proposed to be subdivided;
4. The general location, use and dimensions of any existing structures on any portion of the tract or area of land proposed to be subdivided, including required setback distances from

- lot boundaries for any structures on any portion of the tract or area of land proposed to be subdivided;
5. The general location and areas of any existing water courses, wetlands, floodplains, trees, woodland resources, prairie resources or other environmentally sensitive areas on or within 200 feet of any portion of the tract or area of land proposed to be subdivided;
  6. Topographical features including contours at vertical intervals of not more than two feet, unless an alternate contour interval is approved by the Development Director;
  7. Any existing or proposed sidewalks, bikeways, highway, street, alley or other public way including centerline street stationing and geometrics;
  8. The location and dimensions of any existing or proposed public infrastructure including any water main, sanitary sewer main or storm sewer main and any associated facility, including appropriate easements;
  9. The location and dimensions of any existing or proposed utilities including electric, gas, telephone or cable, including appropriate easements;
  10. A grading plan and a plan for soil erosion and sediment control;
  11. A plan for storm water management and run-off control;
  12. The location of property with respect to surrounding property and streets, the names of all adjoining property owners of record, or the names of adjoining developments;
  13. The names of adjoining streets;
  14. The location and width of all existing and proposed streets and easements, alleys, and other public ways, and easements and proposed street rights-of-way and building set-back lines including proposed parking prohibitions;
  15. The location and dimensions of all property proposed to be set aside for park or playground use, or other public or private reservation, with designation of the purpose of those set asides, and conditions, if any, of the dedication or reservation;
  16. Progressive block number or letter may be assigned to groups of lots separated from other lots by streets or other physical features of land. Each lot within each block of the plat shall be assigned a progressive number. Streets, alleys, parks, open areas, school property, other areas of public use, or areas within any block of the plat that are set aside for future development shall be assigned a progressive letter and shall have the proposed use clearly designated. No strip of land shall be reserved by the subdivider unless it is of sufficient size and shape to be of practical use or service as determined by the City Council; and
  17. Lot dimension and lot areas.

The lack of information under any item specified herein, or improper information supplied by the Applicant, shall be cause for disapproval of a Preliminary Plat.

### **17.80.400 Major Subdivision Final Plat Process**

**17.80.401 Final Plat Procedure:** The Applicant shall file an Application for Final Plat Approval of a Major Subdivision with the Development Department before the expiration of the period of validity of a Preliminary Plat as described herein.

**17.80.402 Application:** An Application for Final Plat Approval of a Major Subdivision shall include:

1. A completed Application Form available from the Development Department;
2. Six (6) paper copies no larger than 11" x 17" and two (2) copies no larger than 24" X 36" of a Final Plat prepared in accordance with these Regulations;
3. A computer diskette or CD containing a Computer Aided Design Drawing of the Final Plat, which shall be provided in a format meeting the hardware and software specifications of the City;
4. Any Improvement or Development Agreement in a form consistent with the requirements of City Policy and these Regulations; and
5. Any filing fee established by the City Council.

**17.80.403 Review Process for a Major Subdivision Final Plat:**

1. The Development Department shall distribute a copy of the Application Form and the Final Plat to such other departments, persons, and utility companies as it determines may be necessary or appropriate for their review, comments and recommendations.
2. The Development Department shall assemble, review and report on any comments or recommendations submitted to it and shall examine the Final Plat with regard to its conformance with the Preliminary Plat.
3. The Development Department shall forward the Final Plat to the City Council for its review within 20 days after the Applicant has filed a complete Application for Final Plat Approval, if the Department finds and reports in writing that the Final Plat substantially conforms to the approved Preliminary Plat.
4. An Application for Final Plat Approval of a Major Subdivision shall be "complete" for the purpose of commencing time periods within which action by the City Council is required when so certified by the Development Department .

**17.80.404 City Council Action on Final Plat for Major Subdivision:**

1. All proposed subdivision plats shall be submitted to the City Council for review and approval. Upon receipt of any Final Plat forwarded to it for review and approval, the City Council shall examine the Application Form, the Final Plat, any comments, recommendations or reports examined or made by the Department of Planning and Housing, and such other information as it deems necessary or reasonable to consider.
2. Based upon such examination, the City Council shall ascertain whether the Final Plat conforms to relevant and applicable design and improvement standards in these Regulations, to other City ordinances and standards, to the City's Land Use Policy Plan and to the City's other duly adopted plans.
3. Following such examination, and within 60 days of the Applicant's filing of the complete Application for Final Plat Approval of a Major Subdivision with the Development Department, the City Council shall approve, approve subject to conditions, or disapprove the Application for Final Plat Approval of a Major Subdivision.
4. The City Council shall, by resolution, set forth its reasons for approving, disapproving, or for conditioning its approval of any Application in its official records and shall provide a written copy of such reasons to the developer.

**17.80.405 Major Subdivision Final Plat Design Standards:** A Final Plat for a Major Subdivision shall be drawn at a scale of one inch equals 100 feet unless an alternate scale has been approved by the Development Director. A Final Plat shall be drawn on sheets measuring no greater than 24 inches by 36 inches and no less than 8-1/2 inches by 11 inches. The Final Plat shall also be prepared on a computer diskette containing a Computer Aided Design Drawing of the Final Plat which shall be provided in a format meeting the hardware and software specification of the City.

**17.80.406 Major Subdivision Final Plat Design Standards:** A Final Plat shall show, at a minimum, the following information:

1. The name of the proposed subdivision on each sheet and a notation identifying any resubdivision as such wherever the name of the proposed subdivision appears;
2. The name, address and other pertinent information about the owner and the developer;
3. A statement by a registered land surveyor that the plat was prepared by or under his or her supervision, the surveyor's signature, Iowa registration number or seal, and certification of the accuracy of the plat;
4. The number of each sheet, the total number of sheets included in the plat, and match lines indicating where each sheet adjoins any other sheet, and an index sheet showing the relationship between the sheets;
5. A scale, a north arrow and the preparation or submission date on each sheet;
6. All monuments existing or to be of record, as required by Chapter 355 of the Code of Iowa, as amended or superseded;
7. Survey data describing the bounds of any existing or proposed lot, block, public or private way, railroad or utility right-of-way, deed restriction, covenant, easement, reservation, dedication or other area within the tract or area of land proposed to be subdivided, the outer boundaries of the tract or area of land proposed to be subdivided, and reference to at least two section corners within the United States Public Land Survey System in which the plat lies or to at least two established monuments with any existing recorded plat when the proposed subdivision is a resubdivision in whole or in part;
8. All distance, bearing, curve, and other survey data, as required by Chapter 355 of the Code of Iowa, as amended or superseded;
9. The identity of any lot to be platted by the proposed subdivision be address, block and lot numbers, and of all adjoining or interior excepted tracts or areas of land by clear and relevant identifying information including the notation "not a part of this plat," and of any public ways within or abutting the proposed subdivision by name, and any recorded subdivision abutting the proposed subdivision by name;
10. The location, areas and dimensions of any existing floodplains;
11. The area of any lot to be platted by the proposed subdivision, to be shown on the plat either on each such lot or in a lot area table;
12. The names of any existing or proposed public ways;
13. Street stationing data for each street;
14. Any other information previously provided on the Sketch Plan or Preliminary Plat and requested by the Department of Planning and Housing; and
15. Two monuments on the boundary of the proposed subdivision shall be noted as being in accordance with the City's requirements relative to the established State Plain Coordinate System as defined in Chapter 355 of the Code of Iowa.

**17.80.407 Major Subdivision Final Plat Attachments:** Requirements set forth in Chapter 354 of the Code of Iowa and Des Moines County Recorder's Office shall be attached to and accompany any Final Plat for a Major Subdivision during the recording process.

### **17.80.500 Minor Subdivision Final Plat Procedures**

**17.80.501 Application:** An Application for Final Plat Approval of a Minor Subdivision shall include:

1. A completed Application Form available from the Development Department;
2. Six (6) paper copies no larger than 11" x 17" and two (2) copies no larger than 24" X 36" of a Final Plat prepared in accordance with these Regulations;
3. Any plat located within the corporate limits shall have a computer diskette or CD containing a Computer Aided Design Drawing of the Final Plat, which shall be provided in a format meeting the hardware and software specifications of the City;
4. Any Improvement or Development Agreement in a form consistent with the requirements of City Policy and these Regulations; and
5. Any filing fee established by the City Council.

**17.80.502 Staff and Agency Review of Final Plat for Minor Subdivision:**

1. The Development Department shall distribute a copy of the Application Form and the Final Plat to such other departments, persons, and utility companies as it determines may be necessary or appropriate for their review, comments and recommendations.
2. The Development Department shall assemble, review and report on any comments or recommendations submitted and shall examine the Final Plat with regard to its conformance with the Preliminary Plat.
3. An Application for Final Plat Approval of a Minor Subdivision shall be "complete" for the purpose of commencing time periods within which action by the City Council is required when so certified by the Department of Planning and Housing.

**17.80.503 City Council Action on Final Plat for Minor Subdivision:**

1. All proposed subdivision plats shall be submitted to the City Council for review and approval. Upon receipt of any Final Plat forwarded to it for review and approval, the City Council shall examine the Application Form, the Final Plat, any comments, recommendations or reports examined or made by the Development Department, and such other information as it deems necessary or reasonable to consider.
2. Based upon such examination, the City Council shall ascertain whether the Final Plat conforms to relevant and applicable design and improvement standards in these Regulations, to other City ordinances and standards, to the City's Land Use Policy Plan and to the City's other duly adopted plans.
3. Review of Minor Subdivisions located within the jurisdiction of the City's two (2) mile review area may be waived by resolution of the City Council, provided the subdivision is not located in the Urban Growth Area as designated by the City.
4. Following such examination, and within 60 days of the Applicant's filing of the complete Application for Final Plat Approval of a Minor Subdivision with the Development Department, the City Council shall approve, approve subject to conditions, or disapprove the Application for Final Plat Approval of a Major Subdivision.
5. The City Council shall, by resolution, set forth its reasons for disapproving any Application or for conditioning its approval of any Application in its official records and shall provide a written copy of such reasons to the developer.

**17.80.504 Minor Subdivision Final Plat Design Standards:** A Final Plat for a Minor Subdivision shall be drawn at a scale of one-inch equals 100 feet unless an alternate scale has been approved by the Development Director. A Final Plat shall be drawn on sheets measuring no greater than 24 inches by 36 inches and no less than 8-1/2 inches by 11 inches. The Final Plat shall also be provided on a computer diskette containing a Computer Aided Design Drawing of the Final Plat, which shall be provided in a format meeting the hardware and software specifications of the City.

**17.80.505 Minor Subdivision Final Plat Design Standards:** A Final Plat shall show, at a minimum, the following information:

1. The name of the proposed subdivision on each sheet and a notation identifying any resubdivision as such wherever the name of the proposed subdivision appears;
2. The name, address and other pertinent information about the owner and the developer;
3. A statement by a registered land surveyor that the plat was prepared by or under his or her supervision, the surveyor's signature, Iowa registration number or seal, and certification of the accuracy of the plat;
4. The number of each sheet, the total number of sheets included in the plat, and match lines indicating where each sheet adjoins any other sheet, and an index sheet showing the relationship between the sheets;
5. A scale, a north arrow and the preparation or submission date on each sheet;
6. All monuments existing or to be of record, as required by Chapter 355 of the Code of Iowa, as amended or superseded;
7. Survey data describing the bounds of any existing or proposed lot, block, public or private way, railroad or utility right-of-way, deed restriction, covenant, easement, reservation, dedication or other area within the tract or area of land proposed to be subdivided, the outer boundaries of the tract or area of land proposed to be subdivided, and reference to at least two section corners within the United States Public Land Survey System in which the plat lies or to at least two established monuments with any existing recorded plat when the proposed subdivision is a resubdivision in whole or in part;
8. All distance, bearing, curve, and other survey data, as required by Chapter 355 of the Code of Iowa, as amended or superseded;
9. The identity of any lot to be platted by the proposed subdivision by address, block and lot numbers, and of all adjoining or interior excepted tracts or areas of land by clear and relevant identifying information including the notation "not a part of this plat," and of any public ways within or abutting the proposed subdivision by name, and any recorded subdivision abutting the proposed subdivision by name;
10. Any other information previously provided on the Sketch Plan and requested by the Development Department;
11. Location of floodplain as applicable;
12. If a subdivision plat, described as part of the United States Public Land Survey System and not entirely a resubdivision of an existing recorded plat, lies within more than one forty-acre aliquot part of a section, the acreage shall be shown only for assessment and taxation purposes for the portion of the subdivision that lies within each forty-acre aliquot part of the section;
13. The area of any lot to be platted by the proposed subdivision, to be shown on the plat either on each such lot or in a lot area table;
14. The names of existing streets; and
15. Two monuments on the boundary of the proposed subdivision shall be noted as being in accordance with the City and State of Iowa requirements.

**17.80.506 Minor Subdivision Final Plat Attachments:** Requirements set forth in Chapter 354 of the Code of Iowa and Des Moines County Recorder's Office shall be attached to and accompany any Final Plat for a Minor Subdivision during the recording process.

### **17.80.600 Improvement Agreements**

**17.80.601 General:** Such Improvement Agreements or Development Agreements shall constitute a binding contract between the Applicant and the City (the “parties”) and shall be subject to approval as to the form by the City Attorney.

**17.80.602 Terms:** The City Council may require that all public improvements be installed and dedicated prior to approval of the Major or Minor Subdivision Final Plat. However, the City Council may accept an Improvement Agreement in lieu of the construction of said improvements, provided that security in the form of a Bond or other substitute is placed on file with the City as set forth in these Regulations. Between the approval of the Preliminary Plat and submission of an Application for Final Plat Approval of a Major Subdivision, the Applicant must either complete all indicated improvements to the satisfaction of the City or enter into an Improvement Agreement to do so.

Unless otherwise provided in the Improvement Agreement, the Improvement Agreement shall create no rights enforceable by any third party who is not a party to the Improvement Agreement.

The Improvement Agreement shall include a clause providing that the Applicant’s substantial compliance with each and every term, condition, provision and covenant of the Preliminary Plat, of the Improvement Agreement, and of all applicable federal, state and local laws and regulations shall be a condition precedent of approval of the Final Plat for Major Subdivision.

An Improvement Agreement shall require installation of required public improvements within one year of approval of the Final Plat. A maximum extension of one year may be granted for such completion, as allowed by the City Council. If such improvements are not completed within the specified timeframe, the City of Burlington shall cause such improvements to be completed at the expense of the developer in the form of the security on file with the City of Burlington.

**17.80.603 Approval:** The Improvement Agreement shall be adopted by the City Council pursuant to applicable state and local laws and shall be attached and recorded with the Major Subdivision Final Plat in the office of the County Recorder.

## **17.80.700 Approval, Recording, and Appeal**

### **17.80.701 Approval and Recording:**

1. The passage of a resolution by the City Council accepting any Final Plat, whether for Major or Minor Subdivision, shall constitute final approval of the subdivision subject to the City Clerk receiving a copy of the recorded Final Plat.
2. The Applicant shall request that a copy of such resolution be certified by the City Clerk. The Applicant shall cause the Final Plat and the certified resolution to be recorded in the office of the County Recorder, Des Moines County, Iowa.
3. A copy of the recorded Final Plat and certified resolution must be received by the City Clerk within 60 days of the final approval of the Final Plat by the City Council. The City Council may initiate proceedings to revoke any approved Final Plat not so received.

**17.80.702 Appeal:** If any Preliminary Plat or Final Plat is disapproved by the City Council, such disapproval shall, by resolution, state the reasons for such disapproval and shall state requirements for approval.

## 17.80.800 Site Design Standards

**17.80.801 General:** The design standards contained in these Regulations are the minimum requirements applicable to a wide variety of circumstances for the general arrangement and layout of subdivisions. More stringent standards may be appropriate when the City Council finds and concludes that site conditions so require, in order to ensure development of an economical, pleasant, and durable neighborhood. More stringent standards may be required so long as such findings and conclusions demonstrate the consistency and compatibility of the standards with applicable elements of the Land Use Policy Plan, other City Plans, and the following specific considerations:

1. Safe and convenient pedestrian and vehicular access to the subdivision;
2. Appropriate preservation and integration of natural features within the subdivision;
3. The capacity and capability of infrastructure facilities, utility service and community facility service; and
4. Minimizing overall lengths of public ways and infrastructure facilities while limiting the use of dead-end streets and cul-de-sacs.

Prior to the acceptance of any public improvements by the City, the subdivider shall provide certification signed by a professional engineer licensed in the State of Iowa that the improvements were constructed in accordance with the City's approved plans and specifications.

**17.80.802 Blocks:** Any block created by subdivision shall be appropriate to the type of development and use contemplated and shall conform as nearly as practicable to the size of existing and abutting blocks within the City's jurisdiction so that any new public way shall extend the existing system of public ways, so that the preferred block length does not exceed 600 feet and in no case shall a new block be longer than 1,320 feet or shorter than 280 feet between center lines of public ways unless topography or other conditions justifies variation. Blocks shall have sufficient width to provide for two tiers of lots sufficient for the building needs of the use proposed and to satisfy applicable zoning requirements. One tier of lots may be permitted for blocks adjacent to arterial streets, railroads, or waterways.

**17.80.803 Lots:** Any lot created by subdivision shall be appropriate for the type of development and use contemplated and shall meet any applicable zoning requirements and the following additional standards:

1. A lot at the corner or intersection of two public ways shall be of such width to permit appropriate building setback and orientation to both public ways, as well as to provide adequate vehicular sight clearance;
2. A lot with double frontage or reverse frontage shall not be permitted, except where essential to provide separation of residential development from arterial streets or to overcome specific disadvantages of topography and orientation;
3. A lot shall be provided with a usable access to a public way, except that access on an arterial street shall not be permitted unless alternative arrangements are impractical or impossible in which instance a frontage road, a cul-de-sac, or some other means of alternative access may be required in order to limit possible traffic hazard on such street. Such usable access shall be in the form of the minimum lot width fronting a public street, as described in Table 17.30.20;
4. A lot should have side lot lines that are substantially at right angles to straight street lines or radial to curved street lines;
5. The minimum required lot width may be measured at the building setback line if said lot is located on the outer radius of a street such as a cul-de-sac. In no case shall the lot width

measured at the right-of-way line of a cul-de-sac or curved street be less than forty (40) feet.

6. A lot shall have adequate depth and width for any proposed structure, off-street service, and parking facilities required by the type of development and use contemplated, provided that a minimum lot width of 50 feet and a minimum lot depth of 100 feet are maintained;
7. A lot created by subdivision that is larger than required under applicable zoning requirements or other relevant building restrictions shall be arranged along with any other such lots created by subdivision to allow the opening of future public ways. Any further subdivision, dedications or reservations providing for such opening or extension of public ways may be made a requirement of the approval of final plat to the extent allowed by law; and
8. An area of land created by subdivision that is unbuildable due to its location, size, shape, or intended use, shall be labeled "outlot" on the final subdivision plat, the approval of which shall thereby restrict it as an unbuildable area. If possible, ground that is unusable due to size, shape, or terrain should be added to adjacent lots and not be made into an "Outlot." Flag-lots are discouraged and shall be labeled as "outlots" when shown on the major or minor final plat.

**17.80.804 Conformance to Natural Features:** As a means to protect the health, safety and welfare, no land shall be subdivided into buildable lots which is unsuitable for development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, or other natural features. The developer may formulate adequate methods to avoid, minimize or mitigate any problems reasonably expected from subdivision or development of such land. Upon review of methods taken to avoid, mitigate or minimize any such problems the Planning and Zoning Commission may recommend and the City Council may approve of such subdivision.

**17.80.805 Monumentation:** Monuments shall meet all requirements specified by statute and the Design and Improvement Standards, and shall occur prior to the submittal of the Final Plat as required.

**17.80.806 Subdivision Name:** The proposed name of any subdivision shall not duplicate or too closely approximate phonetically the name of any other subdivision in the county. The City Council shall have the final authority after consultation with the Planning Commission to designate the official name of any subdivision, which it shall determine at the time of preliminary plat approval for any major subdivision and of final plat approval for any minor subdivision.

**17.80.807 Subdivision Improvement Plan Submittal Requirements:** Plans for public improvements shall be submitted to the Department of Public Works for review and approval at least 21 days prior start of construction. Upon approval, and at least 7 days prior to construction, the developer shall deliver all plans, specifications, and documents required by the Design and Improvement Standards to the Public Works Department:

Construction shall not proceed until the above documents have been delivered and a pre-construction conference has occurred with representation from the Public Works Department, the developers Engineering Consultant, and the Contractor.

**17.80.808 Subdivision Landscaping Requirements:** All plans and specifications shall be designed by a Licensed Landscape Architect or other suitable alternative approved by the Development Director. All designs shall meet Standards set forth by the Parks and Recreation Department and the Design and Improvement Standards for the City of Burlington.

**17.80.809 Streets:** The arrangement, character, extent, width, grade and location of all streets shall conform with the City's arterial street map, these Regulations, and any further plans adopted by the City Council.

**17.80.810 Street Installation:** Any subdivision for which a public street is necessary requires the installation of such street including curbs and gutters adequate to serve all lots or parcels of land within the area to be subdivided. Streets shall be installed with due regard to the present and foreseeable needs of the area to be subdivided and to the location and capacity of existing streets. Streets shall be installed at the subdivider's expense and be constructed according to requirements of the City, certified by a registered engineer and approved by the Public Works Department. Any such street shall become property of the City, upon the City's inspection, approval, and acceptance of such street, after the subdivider pays to the City any costs associated with its installation including any reasonable charge for any supervisory or other services provided by the City.

Streets shall be designed and installed to meet the current Design and Improvement Standards set forth by City Policy and these Regulations.

**17.80.811 Rights-of-Way Widths:** Street and Right of Way widths and vehicular parking widths shall conform to those standards set forth in the Design and Improvement Standards for the City. These street widths may be modified by the City Council based upon the type of development or use anticipated for the area to be subdivided.

**17.80.812 Sidewalks:** Sidewalks shall be designed to provide convenient access to all properties and shall connect to the City-wide sidewalk system. Such a sidewalk shall connect with any sidewalk within the area to be subdivided and with any existing or proposed sidewalk in any adjacent area. Sidewalks shall be required on both sides of the street for all new residential streets. Sidewalks may be required in commercial and industrial areas depending on the surrounding area, for increased connectivity to such areas. Any required sidewalk shall be constructed to the Standards set forth by the Design and improvement Standards for the City.

A pedestrian walkway made of concrete may be required where deemed essential to provide access to schools, parks and playgrounds, commercial areas, and/or transportation or community facilities.

**17.80.813 Bikeways/Walkways:** A bicycle path shall be constructed in an area to be subdivided in order to conform to the Comprehensive City Plan and the Parks and Recreation Master Plan adopted by the City Council. The dimensions and construction specifications of any such bicycle/pedestrian path shall be determined by the number and type of users and the location and purpose of the bicycle/pedestrian path. Pathways shall be a minimum width of ten (10) feet unless otherwise approved by the Community Development Department; in no case shall the width of such path be less than eight (8) feet.

**17.80.814 Water Supply:** Any subdivision to which a public water main is accessible requires installation of adequate water facilities including fire hydrants, at the subdivider's expense and subject to City specifications described in the Design and Improvement Standards Policy for the City. Prior to the connection with the existing water system of the City, it may be necessary for the developer to pay a connection fee in accordance with the requirements of the City and the Waterworks Department.

Any subdivision to which a public water main is not accessible requires the installation at the subdivider's expense and subject to requirements of the City and Waterworks Department plans and specifications. The water main system to be installed shall include any water mains and other water facilities adequate to serve all lots or areas of land within the area to be subdivided. The water main system shall be extended to the furthest extent (end) of the platted area at the subdivider's expense.

Due regard shall be given to the present and reasonably foreseeable needs of the area to be subdivided and to the location and capacity of existing water mains and other water facilities. Any such water mains or other water facilities shall become the property of the Waterworks Board of Trustees, upon inspection, approval, and acceptance of such mains and facilities.

**17.80.815 Sanitary Sewers:** Any lot or area of land created by subdivision shall be served by sanitary sewer facilities in a manner prescribed by City plans and specifications and any applicable rules, regulations and standards of the Iowa Department of Natural Resources and no such lot or area of land shall be served by any individual sanitary sewer disposal system. To the greatest extent possible, the design of the subdivision shall be developed with a gravity sanitary sewer system. The use of sanitary sewer lift stations shall be limited to those instances where no other alternatives exist.

All sanitary sewers shall be improved, designed and installed to standards set forth in the Design and Improvement Standards Policy for the City. All installations shall be certified by an engineer registered with the State of Iowa for conformance to City standards.

The sanitary sewer system to be installed shall include any sanitary sewers and other sewage facilities adequate to serve all lots or areas of land within the area to be subdivided. Due regard shall be given to the present and reasonably foreseeable needs of the area to be subdivided and to the location and capacity of existing sanitary sewers and other sewage facilities.

Any such sanitary sewers or other sewage facilities shall become the property of the City, upon the City's approval, and acceptance of such sewers and facilities, after the subdivider pays to the City any costs associated with services provided by the City.

**17.80.816 Electric Distribution and Street Lighting:** All improvements shall be designed and installed to meet the standards set forth by Alliant Energy, or any other subsequent provider to the City of Burlington.

**17.80.817 Storm Water Management:** Any subdivision shall make adequate provisions to control the rate of storm or flood water runoff including any storm water management measures necessary and appropriate for carrying away by pipe or surface channelization any spring or surface water that may exist at the time of subdivision or be reasonably expected to be created by development or use of the area to be subdivided.

Any required storm sewers including foundation drain collector lines shall be separate from any required sanitary sewers and shall be installed at the subdivider's expense and subject to requirements of the City and shall be adequate to serve all lots or parcels of land within the area to be subdivided.

The storm sewer system shall be designed with due regard to the present and reasonably foreseeable needs of the area to be subdivided and to the location and capacity of existing storm sewers and other storm water management measures available to serve existing and reasonably anticipated development or use of areas abutting the area to be subdivided.

Any such storm sewers may become the property of the City, upon the City's approval and acceptance of such sewers, after the subdivider pays to the City any costs associated with services provided by the City.

Storm water management design shall include grading, facilities or improvements or some combination thereof, set forth in the Design and Improvement Standards for the City.

**17.80.818 Soil Erosion and Sediment Control:** A subdivider shall grade any portion of the area to be subdivided only in conformity with an approved grading plan, including an approved erosion and sedimentation plan for the entire area.

The subdivider shall provide assurances satisfactory to the Development Department and Public Works Department that the grading improvements have been completed in accordance with City, State, and Federal specifications and regulations.